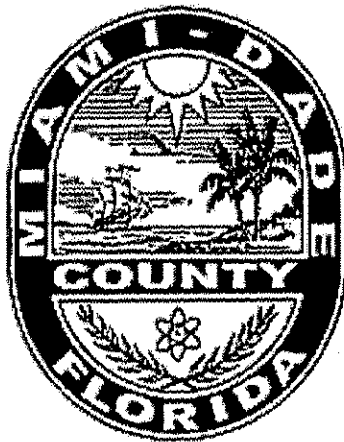


Miami-Dade County

Stephen P. Clark Government Center
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Miami, Fl. 33128



OFFICE OF THE COMMISSION AUDITOR
Legislative Staff

LEGISLATIVE ANALYSIS

Tuesday, December 14, 2004
9:30 AM
Commission Chambers

Board of County Commissioners

Supplemental Information

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

Item 7(M)(1)(D)

RESOLUTION DIRECTING THE COUNTY MANAGER TO FILE AN APPLICATION TO MODIFY THE DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER AND AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN IN ORDER TO IMPLEMENT A PORTION OF THE MIAMI METROZOO MASTER PLAN AND FURTHER DEVELOPMENT PROJECT

Item 11(B)(4)

REPORT RE: MIAMI METROZOO MASTER PLAN AND FURTHER DEVELOPMENT STATUS REPORT

Park and Recreation Department

I. SUMMARY

This authorizes the County Manager to file an application to modify the Miami Metrozoo Development of Regional Impact (DRI) zoning order and amend the Miami-Dade County Comprehensive Development Master Plan (CDMP), to allow implementation of the Miami Metrozoo Master Plan and Further Development Project.

II. PRESENT SITUATION

To enhance the economic recovery and development of the South Dade area, the Miami Metrozoo Master Plan was approved by the BCC in 2002, which proposes expansion of the Metrozoo. The Further Development Project was developed as well, and provided a plan for the expansion of Metrozoo ("Zoo") and the addition of complementary themed attractions for the Zoo and its adjacent properties (1,250 acres total). The Plan and Project proposes [see Item (5)(B), handwritten pages 20-26 of the Project Summary report]:

- Expanding and transforming Metrozoo (750 acres)
- Construction of a Water park (20 acres)
- Construction of a Family Entertainment Center (23 acres)
- Transformation of the Gold Coast Railroad Museum into a Transportation Museum (60 acres)
- Construction of a Vacation Hotel and a Resort Hotel (acreage not available)
- Construction of an Adventure Theme Park (acreage not available)

III. POLICY CHANGE AND IMPLICATION

The addition of a new water park or any leases for certain attractions are not currently allowed because they are not consistent with the Miami-Dade County CDMP. To proceed with the Further Development Project, the original DRI zoning order would also have to be amended.

- If this resolution is adopted, the application/approval process may take about 12 months, starting Sept. 1, 2004. These changes are needed to pursue implementation of the Further Development Project.

December 14, 2004

IV. ECONOMIC IMPACT

This item only authorizes application for the required zoning and Master Plan changes.

Funding for non-Zoo development will be solely through concession agreements with developers, although the Park and Recreation Department and the Zoo would have to cover operating costs until the other developments produce revenues. Net proceeds due the County will be invested in site improvements and off-setting the operating costs of the expanded Zoo. Expansion of the Zoo would also be paid for with General Obligation Bonds (GOB), if the GOB is approved.

V. COMMENTS AND QUESTIONS

In 2003, the BCC approved advertisement of an RFP for the water park and family entertainment center. However, this cannot be done until a deed modification is approved by the Federal General Services Administration (still pending a decision due to an adjacent property issue) and the BCC approves the Further Development Plan.

- Assuming the Further Development Project is approved and authorized, private development is projected to be completed by 2010 and zoo development by 2015.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING THE EXECUTION OF THE JOINT OPERATING AGREEMENT WITH THE MIAMI-DADE COUNTY SCHOOL BOARD FOR FACILITIES AT MIAMI METROZOO, LOCATED AT 12400 SW 152 STREET, MIAMI, FLORIDA

Park and Recreation Department

I. SUMMARY

This authorizes the execution of a new Joint Operating Agreement (JOA) with the Miami-Dade School Board ("School Board") for a Science/Zoo Magnet Program at Miami Metrozoo ("Zoo").

- Contract Period: initial five-year term, two (2) five-year options-to-renew at the County's option (15 year maximum); 180-day notice of termination by either party
- Payment Terms: \$1.00/year rent, all direct utility costs (electricity, water and sewer) and \$14,000/year for admissions/access to the Zoo grounds

II. PRESENT SITUATION

Since 1988, the Park and Recreation Department has had a JOA with the School Board for Richmond Heights Middle School's Science/Zoo Magnet Program (see description attached). The program is housed in four relocatables next to the Zoological Society Building on the Zoo site. Under the latest contract terms, which expired May 31, 2002, the School Board paid \$14,400 per year for utilities and the lease of land. Since the JOA expired, the School Board has continued using the property and paid utilities, which are separately metered, but has not paid rent.

III. POLICY CHANGE AND IMPLICATION

Prior to execution of the new JOA, the School Board will pay the County \$28,000 in outstanding rent since 2002. The School Board has these and future funds in escrow.

The delay in putting a new agreement in place was due to the School Board wanting to reduce the fee to zero and the Park and Recreation Department wanting to simply recover out-of-pocket expenses (the Zoo depends on some of the fees to cover staffing and other expenses). The revenue to the Department under the new JOA is similar to that of the previous agreement, except that:

- instead of paying a fixed amount for rent and utilities, the School Board will be paying an "admission/access" charge and all utilities;
- the admissions/access charge will be linked to the Consumer Price Index (CPI) and enrollment; and
- the latter charge may be adjusted with water and sewer rate changes.

IV. ECONOMIC IMPACT

Proposed costs were based on the County's direct costs for the students (expenses not otherwise incurred had the students not been there), plus actual utilities. The School Board will pay \$1.00/year in rent, all direct utility costs (water and sewer is fixed at \$204/year per relocatable)*, and a \$14,000/year admission/access charge**.

* The water and sewer charge may be modified to address changes in water and sewer rates.

**The admission/access charge will be adjusted every two years by the CPI, but no more than 5%, and assumes a base-line enrollment of 303 students (the Oct. 2003 enrollment) in the Program. Should enrollment change by more than 10% from the base-line, the annual fee will be adjusted accordingly.

V. COMMENTS AND QUESTIONS

Based on 303 students visiting 4 times/week for 8 months and admission of \$4 each, the total admission charge, if not for the proposed JOA, would be \$38,784.

The effective date of this JOA is June 1, 2004, to coincide with the expiration of the old agreement.

Questions

- 1) What other Parks-School agreements are in place, and are these contract terms comparable to that of other Parks-School agreements?
- 2) Will the admissions/access charge be open for adjustment to address changes in Zoo admission fees?

SCOPE AND SEQUENCE FOR RICHMOND HEIGHTS MIDDLE SCHOOL SCIENCE ZOO MAGNET PROGRAM

The Program Purpose

The Science Zoo Magnet Program affords students an opportunity to study a rigorous curriculum which explores, in depth, many branches of science related to the zoo and our technological world.

Students will experience the fun, adventure and excitement of learning in Metrozoo's 290 acre "science classroom", with more than 1200 exotic animals in cageless habitats. They will take learning safaris into unique environments ranging from Asian jungles to African Plains. Participating students will work and study with a select group of enthusiastic classmates who have a keen interest in science and its applications to animals and their environment.

Unique Program Features

- State of the art science laboratory and science equipment
- Specialized course offerings
- Seminar, cluster programs, flexible scheduling and utilization of community resources
- Computer assisted instruction
- Unique field trips
- Opportunities for acceleration in science, mathematics for advanced high school classes
- Internships at Parrot Jungle and Monkey Jungle
- Two-hour block Science & Science research
- Study science daily at Metrozoo

The Middle School Concept

Richmond Heights Middle School became a true Middle School for the 1994-1995 school year. The school consists of grades 6 to 8. The following is the Miami-Dade County Public Schools focus for the Middle School child:

Philosophy

Child-centered; holistic knowledge structure is developed; thinking skills are priority goals; safety is essential; students developmental needs are important;

Curriculum

Academic excellence/social competence -academic core, exploration and developmental programs; personal development master of continuous learning skills

Organization

Interdisciplinary teams; advisement program; block scheduling flexible scheduling with blocks; team planning and shared decision making; exploratory and developmental experiences -elective classes, wheels and exploration credits mini-courses, clubs, activities, interest groups; intramurals; integrated curriculum; in-service education and professional development.

Implementing Strategies

SCOPE AND SEQUENCE FOR

Cooperative learning; interdisciplinary teaching; learning styles; student services and career planning systems; home-school partnerships and communications

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LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH TOBY'S FROZEN LEMONADE, INC. TO PROVIDE FOR THE OPERATION OF CONCESSION SERVICES AT HAULOVER BEACH PARK, AUTHORIZING THE COUNTY MANAGER TO EXECUTE AN AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ANY CANCELLATION AND RENEWAL PROVISIONS AND ALL OTHER RIGHTS CONTAINED THEREIN CONTRACT NO. 374

Procurement Management Department

I. SUMMARY

This resolution authorizes award of RFP No. 374 *Operation of Concession Services at Haulover Beach Park* to Toby's Frozen Lemonade, Inc. ("Toby's").

The services provided would be food and beverage concessions, umbrella and beach chair rentals, and skate and bicycle rentals at Haulover Park. The contract is for an initial three (3) year term with two (2) one-year options-to-renew.

II. PRESENT SITUATION

Toby's currently provides concessions at Crandon Park and Miami Metro Zoo.

- The Crandon Park contract was awarded in Oct. 2004 and commenced in Dec. 2004 for an initial five (5) year term.
- Since November 2003, Toby's has been operating under a temporary permit at Miami Metro Zoo until a new contract is awarded via an RFP that was advertised in June 2004. They had previously operated as a subcontractor since 1992. The Park & Recreation Department has indicated that their record has been satisfactory, both as a subcontractor and under permit.

Toby's also provides concession services to various venues around Miami-Dade County, including the Miami Seaquarium, Pro Player Stadium, and the Orange Bowl.

RFP Timeline

- 03/03 RFP advertisement
- 05/04 County Manager's recommendation to award to Toby's.
- 06/04 Bid protest filed by B.E.A.C.H.E.S Concession Services, LLP. ("B.E.A.C.H.E.S." or "Protestor")
- 07/04: Hearing Examiner ruled in favor of the County Manager's recommendation.
- 12/04: Before the Board of County Commissioners for authorization to award.

The bid protest filed by B.E.A.C.H.E.S., the overall third-ranked firm, alleged deficiencies in Toby's proposal, including the level of detail contained in Toby's pro forma statement. However, the RFP did not require a certain level of detail or that the pro forma be certified by a public accountant. The Protestor also disputed Toby's revenue projections. The Hearing Examiner noted that Toby's in fact provided a more conservative gross revenue estimate (\$240,000/year) than the Protestor (\$885,000/year).

III. POLICY CHANGE AND IMPLICATION

The County Manager is recommending award to the highest overall-ranked proposer, Toby's, based on an RFP process similar to that of the recently awarded concession contract at Crandon Park. Both RFPs provided for a two-phase evaluation. The first phase was a technical review worth 60% of the overall score, and the second an evaluation of the price proposal worth 40% of the score. They had similar scope of services (food and beverage concessions, umbrella and beach chair rental, and skate and bicycle rentals for a regional park), and both require that the County approve all products, pricing, signage, design, etc. related to the concession. While a bid protest was also filed against the Crandon Park RFP, it was also denied by the Hearing Examiner and was on a different basis.¹

The main difference between the Haulover and Crandon contracts is that the latter provides for a much longer term (potentially 7 years vs. 20 years, respectively) due to the greater capital investment required. Haulover is mainly a mobile unit operation, while Crandon has several concession stands that need major renovations. An overview of both these RFPs is attached.

IV. ECONOMIC IMPACT

The concession recommended for award, Toby's, had the best price proposal for the County:
\$72,000 Minimum Annual Guarantee (MAG) and 30% of gross revenues

Note: This proposal was \$3,000 more per month plus an additional 20% of gross revenues over the next highest ranked proposer. As a result, the Park & Recreation (P&R) Department gave Toby's the opportunity to revise their proposal, if needed, but Toby's maintained its proposal.

Based on Toby's proposal, the County could potentially receive approx. \$150,000 per year (\$72,000 MAG and 30% of gross revenues of \$240,000), or \$748,000 over the initial 5 year term. The P&R Department indicated that since no recent history of revenues is available, the proposed gross revenues can only be an estimate.

V. COMMENTS AND QUESTIONS

It would be in the best interest of the County to award this contract as soon as possible, as the current concessions only pay a fixed payment to the County (\$437/month each, or \$10,500 annually) for a permit to operate at the Park. However, a new contract would likely generate much more than this to the County, allowing for additional revenues to offset current General Fund subsidies to the Department.

¹ The bid protest was mainly based on the Selection Committee's decision not to open the protestor's price proposal due to its low technical score, but this was allowed under the RFP document.

Overview of Crandon and Haulover Beach Park Contracts

Contract terms	Haulover Beach Park	Crandon Park
Previous Concession	Scott Martin - Beach Rentals	Christies Catering, Inc.
Award method	Randy Dougherty - Food and Beverage Concession	Annual Permit
Contract period	Year-to-year (currently, month-to-month)	Year-to-year
Estimated Contract Value	\$10,500/year	\$12,000/year
Services provided	Food and Beverage Concession Beach Chair/Umbrella Rentals	Food and Beverage Concession Beach Chair/Umbrella Rentals
Payment Terms	\$874/month (\$437 per concession)	\$1000/month
Actual Gross Revenues	Not available	Not available
Current Concession	Toby's Frozen Lemonade (recommended for award in this item)	Toby's Frozen Lemonade
Award method	RFP	RFP
Contract period	5 year term (Feb. '05 to Feb. '10) 2-one year renewals	5 year term (Dec. '04 to Dec. '09) 1 five year renewal 2 capital investment extension of 5 years for \$150,000 each.
Estimated Contract Value (initial term only)	\$450,000 (or \$150,000/year)	\$450,000 (or \$90,000/year)
Proposers (total score)	Toby's Frozen Lemonade, Inc. (426.50) Brothers C.B. LLC (369.75) Concession Services, Inc. (307.50) Joseph C. Dibenedetto (236.57) Solo on the Bay (222.30) Special Events Catering by Les (213.90)	Toby's Frozen Lemonade (279) Aquasports Unlimited (274.56) Boucher Brothers C.B. LLC (263) Lighthouse Cafe, Inc. (245.76) Christies Catering (149, technical only) Lyons and Lyons Partnership (77, technical only) S. Catering Services, Inc. (128, technical only) Special Events Catering by Les (128, technical only)
Services provided	Food and Beverage Umbrella and Beach Chair Rental Skate/Bicycle Rentals	Food and Beverage Umbrella and Beach Chair Rental Skate/Bicycle Rentals
Payment terms and MAG	\$72,000 MAG/+30% GR	\$48,000 MAG/+ 30% GR
Proposed Annual Gross Revenues	\$240,200	\$153,600
Bid Protest	B.E.A.C.H.E.S. Concession Services	Christies Catering, Inc.